

MLSH
24 Nov 1797

THE
SUBSTANCE
OF A
S P E E C H

MADE BY

189
H—S L—SHE, Esq;

IN

D E B A T E

ON THE

B I L L

For enabling PAPISTS to take Building
Leases.

D U B L I N:

PRINTED IN THE YEAR MDCC.LXXII.

THE
SUBSTANCE
OF A
S P E E C H



H-----s -----he, Esq.

THERE is no subject of more powerful consequences, nor any which I more sincerely wish to hear fully, and soberly, and dispassionately discussed, than that, of which the present question is only a part; I mean that general system of laws,

laws, which the pious zeal of our ancestors has provided, in order to produce religious unanimity amongst us. And tho' we are still distinguished from almost every other protestant country in the world, by our *continuing* to entertain such laws, yet I flatter myself the time is come, in which prejudices have so far subsided even amongst us, as that whatever our differences of opinion may be on this subject, we may venture to state those differences with temper and moderation. And it is under this persuasion, that I shall venture to lay before the house my sentiments on the *general spirit* of those laws; to the end that whilst we are deliberating on an *alteration of any part*, we may retain in our contemplation

templation the *tendency of the whole*---That we may habituate our Judgments to examine what perhaps our prejudices have held in veneration---That we may see that nothing is too sacred for enquiry---that nothing is too wise for amendment.

I have not been able, in my researches into holy writ, to meet with that particular passage of the scriptures which gives us an authority to propagate the faith, by a perversion of morals---nor shall I presume to determine how far it was *ever* justifiable, for the sake of ceremonial uniformity, to build a code of religious laws upon the ruin of every moral virtue and obligation:---to sport with the most sacred feelings;---to violate the fondest prepossessions

ons of the human mind;---to seduce even filial duty; to tempt the son to become an interested and a base informer against the piety of his father, and to break the bonds of all family affection and fidelity.

Possibly there may be something so sacred in the object of these laws, as that the enormity of the means, through which they operate, is to be overlook'd or forgiven! But certain I am, that whatever peculiarities of circumstance may have originally suggested;---whatever necessities may have originally justified the institution of those laws---the spirit of the present time opposes them; and the prosperity of this country absolutely requires, that
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they shou'd in some measure be alter'd at this day.

Let us then begin with the bill which is now before us---and let us severely, but impartially, examine into its import.

It is a bill enabling, in a particular instance, the papists to take long leases---or rather to remove a disability under which they labour of taking leases at all in cities and towns.---For in towns, nothing can operate as a lease, which does not confer a term of sufficient duration for building upon,---the lands therein being applicable to the purposes not of agriculture, but habitation.

If then you agree to this bill, you enable the Roman catholics to expend their property in building

building houses, which in the end will be inhabited by protestants; you encourage them to embark with you in the *common cause*--- and at the same time you provide the ultimate controul of the best regulated gavel-clause that ever was framed, at once to guard against accumulation, and to promote conformity. Thus the papists will have in one instance (what I wish to Heaven they had in every instance) a permanent tenure in their possessions.--- They will have *one* temptation (I wish to Heaven they had more) to vest their property in the national bottom---and finally this instance of toleration and indulgence will become the most powerful instrument of conversion and amity,--- If you agree to this bill, you will
 so

so far as it operates, avail yourself of their wealth; you will enlarge their industry; you will ascertain their attachments, by the religion of an oath, and the obligation of their interest;---you will relax some of the restrictions with respect to property, which are the most *pernicious part*; you will extend the operation of the gavel, which is the most *beneficial part* of the popery laws.

These are the advantages (and if I have stated them fairly they are great advantages) which this Law promises. And therefore I cannot agree with the hon. member who proposes to exempt from its comprehension all *towns corporate*.---Such exemption wou'd too much narrow the operation of a law which ought rather to be extended.

extended.--It would tend to depopulate these corporate towns---It would cause a violent flux and alteration of property---It would like every *partial* benefit, become a *general* evil.

Thus far have I stated to you the advantages which appear to me as likely to follow from your agreeing to this Bill.---Let us now, examine the objections which have been raised against this measure!---They all centre in one point, and are express'd by the single word *influence*. For my own part, I am not such a visionary as to refuse any man the liberty of building an house, merely to defeat any little power, or disappoint any influence, he may by any possibility derive from it. But beside my certain conviction

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that circulating cash is the *most* immediate and operative instrument of power, I am guarded in the present case from apprehension by this further circumstance, — That of all degrees of dependence subsisting between landlord and tenant, the weakest is that which affects the occupiers of houses. If an house be large, it will probably be occupy'd by a person too high for influence:—If it be small, the rent will be too low to produce that effect on any man. —I argue thus upon *general* principles—exceptions to what I alledge may doubtless occur—but too few to be worthy of observation.

But suppose some real and substantial influence were to follow
from

from this bill !---Let it be observed that the same cause which produces this influence, does provide against the ill effects of it.---For what danger can result from conferring a degree of power on any man, if in the very same act, and very same proportion, you involve his interests and affections in the public preservation.

This course of argument I confess appears to my understanding as decisive.

But let us take this matter into a larger scale !

If the Roman catholicks are thought dangerous---let us endeavour either to *reconcile*, or to *disarm* them.---But let us not be so absurd as, whilst we deal with them as enemies, to suffer them to hold the most dangerous of

weapons *ready drawn* (if I may
 say so) in their hands!--The
 wealth of the Roman catholicks
 at present may be rais'd almost
 in one day, and apply'd in ano-
 ther.--Execution on personal se-
 curity (which is all they are in-
 titled to) may be immediately
 obtained;--and as for govern-
 ment debentures, they have, or
 ought to have, as easy a curren-
 cy as the notes of bankers.---
 Thus the whole wealth of the
 papists may, according to the pre-
 sent policy, be divided *from*
 you, or apply'd *against* you at a
 moment's provocation;----and
 whilst by unequal laws you alie-
 nate their affections, by the absur-
 dity of those laws you facilitate
 the means either of their *effec-*
tual

tual hostility, or *total* detachment from you.

Wou'd it not be wiser to involve them in your general interests? If not---does not prudence at least require that you shou'd take from them as many hostages as possible to be the pledges of their fidelity? and no hostage can be deposited so coercive on their conduct, as their *property*, invested in your lands or your houses!

If some zealous prepossessions did not cover this subject from common reason, this policy cou'd not stand a moment's argument.

But it sometimes happens, in the infirmity of our nature, that men even of the best understanding and greatest worth act under the dominion of narrow prejudices,

ces, and speculative distinctions! ---And I have seen men, in ordinary cases of great moderation, gravely and acrimoniously engaged in contentions, not for the great cause of religion itself, but for articles of faith and opinion for external modes of *profession* and *worship*. And indeed it is much to be lamented, that in the general enlargement of the human mind, and extension of the policies of the world, we continue to view this great subject in a narrow light,---that we do not seem sufficiently disgusted with those distinctions which heretofore embued the hands of our ancestors in the blood of persecution, and distinguished and disgraced the periods of ignorance and superstition.

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In all other protestant countries in the world, all religions and all persuasions mingle and are involved in the public cause; ---and religious distinctions, by not being mark'd out by the laws, cease to be distinctions at all.

Amongst the noble instances of wisdom and simplicity, which have formed the policies of the most western part of the world, permit me to mention *that pious spirit of toleration* which unites, and *strengthens*, and *populates* the colonies of America.---*That* indeed is the bond of union and brotherly love, which, whilst it indulges every man in the liberty of his own religious opinion, unites every part in the interest of the whole. In those countries the being deprived of *civil* rights

rights, in consequence of a peculiarity of *faith*, is a thing utterly unheard of and unknown. ---In those countries, where their numbers are small, they know what an absurdity it would be to entertain within their community any members who have not an interest in the preservation of that community;----and they know that men will not have an interest in the preservation of that community, which does not protect *them* in the enjoyment of *their* rights.

And here may I claim your indulgence whilst I read the Magna Charta of religious liberty, which I have extracted from the statute book of the province of Pensilvania?—The words are these:—“Almighty God, being

“ ing *only* Lord of conscience,
 “ author of all divine know-
 “ ledge, faith, and worship; who
 “ can enlighten the minds, and
 “ convince the understanding of
 “ people; in due reverence of his
 “ sovereignty over the souls of
 “ mankind, and the better to
 “ unite the Queen’s christian
 “ subjects in *interest* and *affecti-*
 “ on, Be it enacted, that no per-
 “ son, who shall profess faith in
 “ God the father, son, and holy
 “ ghost, and shall acknowledge
 “ the divinity of the holy scrip-
 “ tures, and when lawfully re-
 “ quired shall profess and declare,
 “ that he will live peaceably
 “ under the civil government;
 “ shall in any wise be molested
 “ or prejudiced for his conscien-
 C tious

“ tious persuasion; nor shall at
 “ any time be compell’d to fre-
 “ quent or maintain any religi-
 “ ous *worship place* or *ministry*
 “ whatsoever, contrary to his
 “ mind, but shall freely and fully
 “ enjoy his christian liberty in all
 “ respects, without molestation
 “ or interruption.”

These are the golden words
 of that christian ordinance,
 which has produced a degree of
 unanimity, that in some mea-
 sure reproaches even the *refor-*
mation itself:—they are like the
 sacred sentences of an oracle;—
 I had almost said they are like a
 new revelation, sent down from
 Heaven to produce peace, and
 harmony, and good will amongst
 men.

As

As for ourselves—let us consider, that the time is long since pass'd, in which the recency of an establishment required oppression for its support; or the weakness of government wish'd to divide, in order to subdue.—The time is come in which you must offer the Roman catholicks one of these two alternatives;—you must either suffer them to enjoy the rights of citizens and subjects—or do them the justice to banish them from the country.—Do not think of flattering them by the supineness of laws, which may at any time be revived against them;—and do not expect their gratitude, because you are not rash enough to enforce, what you were *unjust* enough to enact against them.—Every fo-

lid argument (I wish I could say every ideal prejudice too) is now removed, which might in former times have been pleaded against them:—the establishment of a popish prince on the throne is become a matter beyond the reach of the most frantick imagination.—The hopes of the house of Stuart are the ridicule of Europe; exhibited as they are in the person of a poor, degraded, contemptible mendicant without *friends*, without *property*, without *posterity*; to whom subsistence, and not empire, is become an object of ambition.—The spiritual dominion of the Pope, which formerly held the kings of the earth in vassalage, is now like his territory circumscribed within the limits of an Italian

Italian province:—and as for any title to the forfeited lands in Ireland—the Roman catholicks are not nor cannot be so absurd as to imagine that under any revolution or any establishment their obsolete and traditional claims cou'd overturn the laws of the land and the settlements, possessions, entails and alienations of an hundred years.

Let us not then continue *for ever* to maintain a system of laws, which we find by the experience of above sixty years do not in their operation prevent the growth of *popery* but of *prosperity*:—laws which are tempered in the very bigotry of that religion which they affect to reform

—Laws which from their ~~religious~~
rigorous tendency must for ever alienate

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nate and offend; which are too severe to be executed, and therefore do not bring security:—Laws which, before they can operate, must first corrupt; which never can be useful, because they are not just. Let us not be so monstrous, as to suppose we have a right *for ever* to proscribe three fourths of the community:—Let us not be so unwise as to *exasperate* where we cannot *disarm*.

Let the Roman catholicks whilst they live in this country (which is the country of their ancestors) have the ordinary incitements to industry;—and give them a just and permanent security in that property, which will be the fruit of their industry,—and if, after all our care, the jealous

lous precautions of the legislature shou'd fail so far, as that any influence shou'd follow in consequence of such security; it is an influence which *for their own sake* they will employ in the preservation of a country, which they will *then* be taught to consider as their own.

The phrenzy of religious infatuation is pretty well banished from the face of the earth,---and if we do not revive it, in this country, by penalty and persecution (which have always tended to reconcile men to their errors, and make even their absurdities dear to them) we may rest assured from our knowledge of human nature, from our experience of every nation in the world, that the essential *interests*, not the speculative *opinions* of men, will be

be their ultimate concern ; and that the wishes and affections, the heart and the sword of every man will be directed to the defence of that country which affords him justice, tranquility, and protection.

The enemies indeed of our constitution and national importance have long wish'd to preserve amongst those distinctions, which break us into different interests ; make us easy of subjection, and as has been said, ~~we~~ *ren* der even our population, our weakness.—But I hope that we, in the wisdom of some unprejudiced hour, shall disappoint the malice of their wishes——by doing justice to all that we shall make every man a party with us in the public preservation. By making

making men happy, make their attachment invincible; and induce, if possible, every man in the community to say "I will exert myself in defence of the present establishment, because I know my situation cannot be made better by any change.

These are my sentiments on this great subject:—They are the sentiments of a man neither influenced on the one side by prejudice, nor seduced on the other by interest:—on the contrary whatever property I have has been the forfeiture of a popish proprietor.---They are the sentiments of a man who wishes to promote the protestant religion by every method which is conformable to virtue and con-

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sistent with safety.—I have however been accused of partiality to the papists!—I have no partiality to them; except *that* which a generous mind naturally entertains towards the oppressed.—As for their religious forms, I dislike them.—As for their superstitions, I detest them.—And as for their civil principles, so long as the present laws subsist, I must think them suspicious.—But it is in those very laws that these exceptions exist; and unless you relax the former, you will never remove the latter: for bigotry ever flourishes under persecution, and civil attachment cannot well be the growth of oppression.

To conclude, I am a friend to
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this bill, as a friend to the religion, the strength and the improvement of my country, and I am an enemy to the popery laws so far as they are subversive of these great objects.

F I N I S.

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This will be a great help to the
 on the strength of the
 interest of my country and I am
 an enemy to the people of
 the people of the world
 great of the world

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